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REMARKS

The Office Action dated January 21, 2004 has been received and its contents carefully noted. In response thereto, applicant proposes to amend claims 21 and 28 to include the limitations of claim 24, cancel claims 24 and 26 and amend claims 25 and 32, all in an effort to place the application in condition for allowance. Reconsideration of the rejections of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

Applicant appreciates the indication that claims 24, 25 and 32 contains allowable subject matter. Independent claim 21 has been rewritten to include all the limitations of claims 21 and 24. Dependent claims 24 and 26 have been cancelled. Dependent claims 22-23, 25 and 27 are dependent on rewritten claim 21. The Section 112 rejection is believed to be overcome as discussed hereinafter. Accordingly, claims 21-23, 25 and 27 are believed to be in condition for allowance.

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Claim Rejections - 35 U.S.C. § 112

Claims 21-27 have been rejected because the terms "constant" in claim 21 and "even" in claim 26 are allegedly indefinite. To overcome the rejection, claim 26 has been cancelled. It is respectfully submitted that the skilled artisan would recognize that a "constant flow" would be a flow which does not vary. In view of the amendment, it is believed that these claims are no longer indefinite so the Section 112 rejection should be withdrawn.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Turning now to the rejections under 35 U.S.C. §§ 102 and 103, the Examiner maintains the rejections from the last Office Action where (1) claims 21-23, 26-31, 33-39 and 44 were rejected as being completely shown by Schmit et al. (U.S. Patent No. 6,475,395); (2) claims 41-43 were rejected on the grounds of alleged obviousness based on the Schmit et al. patent; and (3) claim 40 was rejected on the grounds of alleged obviousness by combining the Schmit et al. patent with Hinde (U.S. Patent No. 3,293,861) or GB 2 326 603A.

In the prior Office Action, the Examiner explained in detail how the Schmit et al., Hinde and British references were being

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applied to the claims. As discussed at some length in the response to the prior Office Action, the cited prior art references including Schmit et al. do not show the constant flow regulator of the present invention. Since independent claim 21 has been rewritten to include all the limitations of allowable dependent claim 24 and dependent claims 22-23, 25 and 27 are dependent on claim 21, the rejections of claims 21-23 and 27 are believed to be moot and should be withdrawn. Similarly, claim 28 has been amended to include the limitations of allowable claim 24 so it is also believed that claim 28 and the claims dependent therefrom are allowable for the same reasons claim 21 is allowable, i.e., the prior art does not show use of "a moving element constant flow regulator" being used in the same combination as claimed in the present application.

In summation, the claims are believed to be clearly distinguishable over the cited references and all the claims recite features which are not found in the cited references. The obviousness rejections use a hindsight reconstruction of applicant's invention based on his own disclosure. The proposed modification of the references still falls far short of applicant's unique invention.

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Conclusion

In view of the foregoing amendments and remarks, withdrawal of the final rejection, entry of the amendments and allowance of the application are believed to be in order, and such action is earnestly solicited. The Examiner is invited to call applicant's attorney if any questions remain following review of this response.

Respectfully submitted,

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